

REMARKS

Claim 1-30 are pending in the present application. Claims 1-8, 11, 12, and 17 have been amended. Claims 1-17 and 24 are independent claims.

In view of the above amendments and the following remarks, the Examiner is respectfully requested to reconsider and withdraw the outstanding claim rejections.

Allowable Subject Matter

Applicants acknowledge the Examiner's indication that claims 9, 10, 13-16, and 24-30 have been allowed.

Drawings

Applicants acknowledge the Examiner's indication that the replacement drawings filed on August 30, 2004 have been approved.

Rejections Under 35 U.S.C. § 102

Claims 1-8, 11, 12, and 17-23 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Applicants' admitted prior art described in Figs. 19-25 and pages 1-13 of the specification (hereafter "APA").

In page 3 of the present Office Action, the Examiner makes the following assertions regarding the APA:

“Bits are assigned such that data for one period can be transmitted uniformly over that transmission time period (page 10, lines 19-25; page 11, lines 21-23; page 12, lines 5-13; note: a uniform incoming bit stream before rate conversion is transmitted uniformly during the use of each symbol during the period for symbol bitmap A).”

Based on this assertion, it is apparent that the Examiner is broadly interpreting the claimed “transmission” of assigned bits as covering the internal transfer of multiplexed, error-coded data from the scramble forward error correction unit 45, 46 to the rate-converter 47, 48. It is apparently the Examiner’s position that such data is internally transferred at a uniform rate to the rate-converter and, thus, are distributed uniformly over a “data transmission time” (i.e., the time required for such internal transfer).

Without conceding to the validity of the Examiner’s broad interpretation of the claims and the APA, Applicants have amended independent claims 1-8, 11, 12, and 17 to more clearly distinguish over the Examiner’s broad interpretation. As to claims 1-8, 11, and 12, these claims have been amended to recite that bits are assigned in such a manner that the data assigned to a particular period corresponds to one or more symbols that are transmitted on a **network transmission path** during that period, and that such transmitted data are distributed uniformly. This distinguishes over the Examiner’s interpretation of the APA’s “transmitting” or transferring of data signals between internal components in a transmitter device because, in the APA, such internal transfers are not performed on a network transmission path.

As to independent claim 17, the claimed invention assigns bits of one or more data symbols such that all the assigned bits are transmitted **from the transmission device** during the

period to which the symbols are assigned, and that the transmitted bits are uniformly assigned. Such transmission from the transmission device distinguishes over the internal transferring of signals to the rate-converter of the APA.

At least for the reasons set forth above, it is respectfully submitted that claims 1-8, 11, 12, and 17 are allowable over the APA. Furthermore, it is respectfully submitted that claims 18-23 are allowable at least by virtue of their dependency on independent claim 17. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the claims are now in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider the outstanding claim rejections and issue a Notice of Allowance in the present application.

However, should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason Rhodes (Registration No. 47,305) at the telephone number of the undersigned in order to conduct an interview and expedite prosecution in the present application.

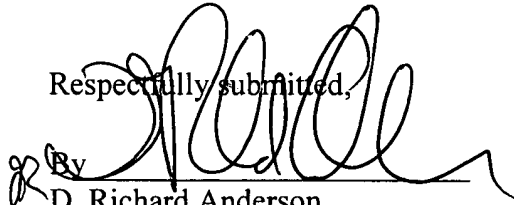
Application No. 09/559,175
Amendment dated November 9, 2005
Reply to Office Action of July 12, 2005

Docket No.: 2611-0125P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: November 9, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Anderson", written over a horizontal line.

By
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